The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on December 10, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: December 10, 2018



ARTHUR I. HARRIS UNITED STATES BANKRUPTCY JUDGE

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF OHIO CLEVELAND DIVISION

In Re: Case No. 18-11924

Larry S. Womack
Frances L. Womack
Chapter 13

Debtors. Judge Arthur I. Harris

AGREED ORDER RESOLVING MOTION OF HONDA LEASE TRUST FOR RELIEF FROM STAY (Doc. 21)

2016 HONDA CIVIC - VIN 19XFC2F72GE096944

This matter came before the Court on the Motion for Relief from Stay (the 'Motion') filed by 2016 HONDA CIVIC - VIN 19XFC2F72GE096944 ('Movant') at Docket No. 21 and Debtors' response thereto filed on November 21, 2018 at Docket No. 23.

Movant has alleged that good cause for granting the Motion exists, and that the Debtors, counsel for the Debtors, the Chapter 13 Trustee and all other necessary parties were served with the Motion, and with notice of the hearing date on the Motion.

The parties have entered into an agreement resolving the motion.

# IT IS, THEREFORE ORDERED:

- 1. The Parties agree that the post-petition arrearage owed by the Debtor has been cured through August 28, 2018. Further, the Parties agree that \$181.00 is owed for the filing fee for the motion for relief. The post-petition arrearage will be cured as follows:
  - a. \$30.20 on or before 12/1/2018
  - b. \$30.16 on or before 1/1/2019
  - c. \$30.16 on or before 2/1/2019
  - d. \$30.16 on or before 3/1/2019
  - e. \$30.16 on or before 4/1/2019
  - f. \$30.16 on or before 5/1/2019
- 2. The lump sum payments as outlined in paragraph 1 of this Agreed Order are in addition to the regular monthly payment. The regular monthly payment begins again and is due on or before November 28, 2018 and remains due and owing on or before the 28<sup>th</sup> day of each month thereafter.
- 3. Failure by the Debtors to make the stipulation payments on the dates that they are due as outlined in paragraph 1 of this Agreed Order shall constitute a default. Failure by the Debtors to make any regular monthly payment by the date such payment is due as outlined in paragraph 2 of this Agreed Order shall constitute a default.
- 4. Upon the existence of a default, Movant shall send Debtors and counsel for Debtors a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.
- 5. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtors, an Order shall be entered without further hearing, terminating the stay imposed by Sections 362 of the

Bankruptcy Code with respect to Movant, its successors and assigns, for the purpose of Movant pursuing its state court remedies on its collateral.

###

#### SUBMITTED AND APPROVED BY:

# /s/ D. Anthony Sottile

D. Anthony Sottile (0075101) Sottile & Barile, Attorneys at Law P.O. Box 476

Loveland, OH 45140 Phone: 513.444.4100

Email: bankruptcy@sottileandbarile.com

Attorney for Movant

# /s/ Jonathan I. Krainess

Jonathan I. Krainess (0073093)

23366 Commerce Park

Suite 101-A

Beachwood, OH 44122

Phone: (216) 320-4357 jkrainess@sbcglobal.net

Attorney for Debtor(s)

(Per authorization received via e-mail on 12/10/2018)

# **COPIES TO:**

Jonathan I. Krainess, Debtors' Counsel, at jkrainess@sbcglobal.net (VIA ECF MAIL)

Lauren A. Helbling, Trustee, at ch13trustee@ch13cleve.com (VIA ECF MAIL)

Office of the U.S. Trustee, at (registeredaddress)@usdoj.gov (VIA ECF MAIL)

Larry S. Womack, Debtor, 931 East 236th Street, Euclid, OH 44123 (VIA U.S. MAIL)

Frances L. Womack, Debtor, 931 East 236th Street, Euclid, OH 44123 (VIA U.S. MAIL)